

### REMARKS

Claims 1-9, 11-16, 18-20, 38-45, and 47-50 are pending in the present application. In the office action mailed December 15, 2004 (the "Office Action"), claims 1-9, 16, 18-20, 38-45, and 47-50 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0110975 to Parekh *et al.* (the "Parekh application"). The Examiner further objected to the Drawings as failing to comply with 37 C.F.R. 1.84(p)(4) and 37 C.F.R. 1.83(a). Claims 11-15 were also objected to by the Examiner for informalities, and claims 10, 17, 51, and 46 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Information disclosure statements ("IDS") were submitted on February 8, 2002, July 3, 2002, October 8, 2002, January 13, 2003 and August 8, 2003 in the above-referenced patent application. Applicants request the Examiner consider the references cited in each Form PTO-1449 of each IDS and provide the attorney of record with signed and initialed copies of Forms PTO-1449.

With respect to the Examiner's objection to the Drawings for failing to comply with 37 C.F.R. 1.84(p)(4), it is uncertain to what the Examiner is objecting. The Examiner states that the objection is "to drawings as semiconductor structure 800 and semiconductor structure 900 will are [sic] never depicted as being in the same embodiment." *See* the Office Action at page 6. The reference number 800 is used in Figure 8 to reference a semiconductor structure according to one embodiment of the invention and the reference number 900 is used in Figure 9 to reference a semiconductor structure according to *another* embodiment of the present invention. Although there are similar elements in the semiconductor structure 800 and the semiconductor structure 900, they represent two different embodiments. Among the differences, the semiconductor structure 900 includes an HSG layer 926 formed on the inner surface 825 of the first electrode layer 824. *See* the present application at page 14, lines 3-31. The semiconductor structure 800, however, includes an HSG layer 826 formed on an inner surface 825 of the first polycrystalline electrode layer 824 and formed on an outer surface 829 of the electrode layer 824. *See* the present application at page 13, line 12-page 14, line 2. Thus, the use of the reference number 800 in Figure 8 to describe a semiconductor structure according to one

embodiment and the use of the reference number 900 in Figure 9 to describe a semiconductor structure according to another embodiment is appropriate. If the Examiner maintains the objection, it is requested that the Examiner clarify the basis of the drawing objection.

The drawings were further objected to by the Examiner as failing to comply with 37 C.F.R. 1.83(a). More specifically, the Examiner stated that a “first capacitor” and a “second capacitor” were not shown in the drawings. The terms “first capacitor” and “second capacitor” are recited in claims 11-15. Figure 9 illustrates an example of a first capacitor 905A and a second capacitor 905B, as recited in claims 11-15. The formation of the semiconductor structure 900, which includes examples of the first and second capacitors 905A, 905B recited in claims 11-15, is described in the present application at page 14, line 3-page 20, line 11 and with reference to Figures 9 and 10A-K. Thus, the Examiner’s objection to the drawings should be withdrawn.

With respect to the Examiner’s objection to claims 11-15, the previous discussion directed to the Examiner’s drawing objection under 37 C.F.R. 1.83(a) has addressed the issue. Support for the subject matter of claims 11-15 is provided in the present application at page 14, line 3-pages 20, line 11. The Examiner’s objection to claims 11-15 should now be withdrawn. Claims 11-15 have only been objected to based on informalities in the Office Action. Consequently, in light of the previous discussion, and the withdrawal of the Examiner’s objection, claims 11-15 are in condition for allowance.

As previously mentioned, claims 10, 17, 46, and 51 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 6, 16, 42, and 47 have been amended to include the limitations of allowable claims 10, 17, 46, and 51, respectively. Consequently, claims 6, 16, 42, and 47 are in condition for allowance. Claims 1 and 38 have also been amended to include limitations similar to those recited in claims 10 and 17. Consequently, claims 1 and 38 are also in condition for allowance. The amendment made to claims 1, 6, 16, 38, 42, and 47, have been made to expedite the allowance of allowable subject matter. The amendments, however, should not be interpreted as reflecting Applicants’ belief that the subject matter of the unamended claims is unpatentable, or that the Applicants have forfeited the subject matter of the unamended claims. Moreover, Applicants have not addressed the merits of the Examiner’s rejection of the claims, or whether

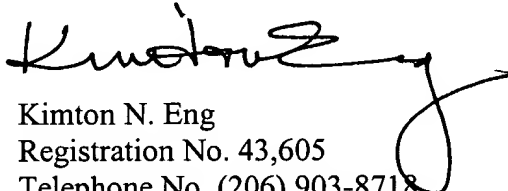
the Examiner's characterizations of the cited references are accurate. Therefore, the presumption that Applicants have tacitly acknowledged the merit of the rejections or that the references cited by the Examiner are relevant to the patentability of the present invention should not be made.

Claims 2-5, which depend from claim 1, claims 7-9, which depend from claim 6, claims 18-20, which depend from claim 16, claims 39-41, which depend from claim 38, claims 43-45, which depend from claim 42, and claims 48-50, which depend from claim 47, are similarly in condition for allowance based on their dependency from a respective allowable base claim. That is, each of the dependent claims further narrows the scope of the claim from which it depends, and consequently, if a claim is dependent from an allowable base claim, the dependent claim is also allowable.

All of the claims pending in the present application are in condition for allowance. Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

DORSEY & WHITNEY LLP

  
Kimton N. Eng  
Registration No. 43,605  
Telephone No. (206) 903-8718

KNE:ajs

Enclosures:

Postcard

Fee Transmittal Sheet (+ copy)

DORSEY & WHITNEY LLP  
1420 Fifth Avenue, Suite 3400  
Seattle, WA 98101-4010  
(206) 903-8800 (telephone)  
(206) 903-8820 (fax)